

54



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,046	06/28/2001	Kenneth McClure	873.0010.USU	5507
29683	7590	07/29/2005		
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER GELIN, JEAN ALLAND	
			ART UNIT 2681	PAPER NUMBER
DATE MAILED: 07/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/894,046

Applicant(s)

MCCLURE, KENNETH

Examiner

Jean A. Gelin

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-31 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is in response to the Applicant's arguments filed on July 18, 2005 in which claims 1-4, 11-14, 19, 21, 24, 27 have been amended, claims 28-31 have been added. Claims 1- 31 are currently pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6-10, 11, 16-20, 21-23, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tada et al. (US 6,662,105) in view of Otting et al. (US 6,477,372) further in view of Fumarolo et al. (US 6,366,782).

Regarding to claims 1, 11, 21, 26, and 27, Tada teaches a method for operating a wireless communication system, comprising: determining a location of a mobile station (i.e., position calculation section 12a, col. 6, lines 59-61); comparing the location to information that is descriptive of a map that is stored in the mobile station (col. 6, lines 61-66); and deriving at least one system selection parameter from the mobile station's location relative to the map (col. 1, lines 40-44, col. 2, lines 3-31).

Tada does not specifically teach deriving at least one system selection parameter from the mobile station's location by which the mobile station may obtain access to a desired communication system.

However, the preceding limitation is known in the art of communications. Otting teaches the mobile station determines and scans for alternate technology to select the desired one typically according to the location of the mobile (col. 3, line 45 to col. 4, line 59). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Otting within the system Tada in order to allow the mobile station to perform alternate radiotelephone system scans without missing paging messages on the system where it is presently camped.

Tada et al. in view of Otting et al. does not specifically teach sending voice data from the mobile station through the communication system.

However, the preceding limitation is known in the art of communications. Fumarolo teaches displaying a map to a user of the display based terminal, the map including representations of the plurality of two-way communication units and indicating locations of the plurality unit within a portion of the voice communication system, the terminal includes transceiver, antenna, microphone, and speaker (col. 4, line 39 to col. 5, line 20). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Fumarolo within the system of Tada in view of Otting in order to automatically relayed additional detail information which is not included in displaying the location of mobile user in case of emergency...

Regarding claims 6, 16, Tada in view of Otting further in view of Fumarolo all limitation above. Tada further teaches wherein the system selection parameter is used to select a non-public system (corresponding to information center, col. 7, lines 18-55).

Regarding claims 7, 17, Tada in view of Otting further in view of Fumarolo all limitation above. Tada further teaches wherein the determination of the location of the mobile station is performed by the mobile station without assistance from a network operator (i.e., the search for position of the mobile can be performed by the mobile col. 3, lines 10-15).

Regarding claims 8, 9, 18, and 19, Tada in view of Otting further in view of Fumarolo all limitation above. Tada further teaches wherein the determination of the location of the mobile station is performed by the mobile station with assistance from a network operator (mobile station can request search from information center, col. 2, lines 3-19, col. 3).

Regarding claims 10, 20, 22, and 25, Tada in view of Otting further in view of Fumarolo all limitation above. Tada further teaches wherein the map is downloaded from a network operator to a memory of the mobile station (col. 4, lines 18-44).

Regarding claim 23, Tada in view of Otting further in view of Fumarolo all limitation above. Tada further teaches wherein there are a hierarchy of maps, where a map that is lower in the hierarchy provides more a detailed system selection parameter than a map higher in the hierarchy (setting condition for map priority, col. 8, line 57 to col. 9, line 42).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2681

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5, 12-15, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tada et al. (US 6,662,105) in view of Otting further in view of Fumarolo, and further in view of Dennisson et al. (US 6,324,404).

Regarding claims 2, 3, 12, 13, and 24, Tada in view of Otting further in view of Fumarolo teaches all limitation above except wherein the system selection parameter is comprised of a band of frequencies or a frequency channel within which the mobile station may obtain access to a desired system.

However, the preceding limitation is known in the art of communications. Dennisson teaches selecting desired frequency band to establish communication based on the exact geographic location of the mobile communication device (col. 12, line 50 to col. 13, line 20 and col.16, lines 1-33). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the technique of Dennisson within the system of Tada in view of Otting further in view of Fumarolo in order to encompass the switching of a dual frequency phone to a second frequency based on exact geographic location of the mobile device; thus, user who wants PCS for his communication device in the city is able to roam out of PCS territory into cellular territory.

Regarding claims 4, 14, the claim is interpreted and rejected for the same reason as set forth in the rejection of claims 2 and 3 above.

Regarding claims 5, 15, Tada in view of Otting further in view of Fumarolo teaches all the limitations above except wherein the system selection parameter is used to select a public system (corresponding to emergency system).

However, the preceding limitation is known in the art of communications. Dennisson teaches routing the emergency call based on the exact location geographic of the mobile communication device (col. 12, lines 15-50). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to implement the technique of Dennisson within the system of Tada in view of Otting further in view of Fumarolo in order that the emergency response personnel can send someone more rapidly to rescue the caller of an emergency call.

6. Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tada et al. (US 6,662,105) in view of Otting further in view of Fumarolo, and further in view of Dennisson et al. (US 6,324,404) and further in view of Inoue et al. (US 6,643,284).

Regarding claims 28-31, Tada in view of Otting further in view of Fumarolo and Dennisson all the limitations above. But they fail to teach voice communication over voice over IP.

However, the preceding limitation is known in the art of communications. Inoue teaches enabling voice communication while transferring map over IP (col. 1, lines 50-65), the image data is attached to voice communication (col. 12, lines 64-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to implement the technique of Inoue within the system Tada, Otting, Fumarolo, and

Art Unit: 2681

Dennisson in order to take advantage of the cheapest medium of communications, which is Internet.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin  
July 25, 2005

**JEAN GELIN**  
**PRIMARY EXAMINER**

